EXHIBIT D

Robert P. Kinross   December 2, 2009

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

RICHMOND DIVISION

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ePLUS, INC.,   : Civil Action

     Plaintiff,   : No. 3:09cv620

v.   :

LAWSON SOFTWARE, INC.   :

     Defendant.   :

- - - - - - - - - - - - - - - -+

Videotaped Deposition of ROBERT P. KINROSS

Washington, DC

Wednesday, December 2, 2009

11:03 a.m.

Job No.: 22-169719

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Reported by: Katy M. Zamora, RPR

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1 Q. Can you tell me generally what sort of
2 information was in that specification?
3 A. Yes. It contained the fields that were to be
4 used as the data within the DDE link. It stated what
5 the purpose of the DDE link would be, and it also
6 documented the DDE commands to be used on both sides to
7 determine whether there was any new information being
8 passed.
9 Q. By both sides, you mean the TV/2 side and the
10 RIMS side?
11 A. Yes.
12 Q. What generally was the purpose of the DDE as
13 described in that specification?
14 A. To have a two-way conversation between the
15 RIMS system and the Shell program and ultimately
16 Technical Viewer about what data would be passed, what
17 data would be searched in Technical Viewer, what data
18 would be returned from Technical Viewer to RIMS, were
19 there any technical hurdles involved with developing
20 that technical specification for the interface.
21 A. Other than understanding it completely and
22 implementing it correctly, no.
23 Q. Did IBM participate at all in developing the
24 specification?
25 A. No.

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1 Q. Was this a matter of Fisher, the
2 specification was a way for Fisher to communicate to
3 IBM what it needed in terms of information to be
4 exchanged using the DDE interface?
5 A. That was part of it; the other part was what
6 we would get back from Technical Viewer.
7 Q. So it would be, what is RIMS going to send to
8 TV/2, and also, what does RIMS need to get back from
9 TV/2?
10 A. Yes.
11 Q. Can you give me examples of some of the
12 fields that RIMS communicated to TV/2?
13 A. Yes. If you refer to the patent, they are
14 documented --
15 Q. The 683 patent?
16 A. 683, correct. The bottom of column 11,
17 starting at line 62 --
18 Q. Where it says, the following fields are
19 transferred to order list 48 created in TV/2 search
20 program 50?
21 A. Yes.
22 Q. So that's transferred -- what's described in
23 that paragraph is a transfer from RIMS to TV/2?
24 A. Yes.
25 Q. Okay. And that goes to the bottom of column

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1 11 then to line 67, that description?
2 A. Yes.
3 Q. And does it also describe in your patent what
4 information is transferred from TV/2 to RIMS?
5 A. I think it does.
6 Q. Is that essentially the order list?
7 A. Might be harder for me to find it right now.
8 Q. I just -- what caught my eye here is at
9 column 12, line 48 where it says, once the user has
10 completely built the order list 48 within Shell 52 and
11 TV/2 search program 50, he or she can transmit it to
12 Fisher RIMS system 40; is that relevant to what we're
13 talking about?
14 A. Yes.
15 Q. Okay. Do you have an understanding of what's
16 in the order list that's being referred to there?
17 A. No. I know that's documented --
18 Q. It's in a patent somewhere, is that what you
19 mean?
20 A. Yes, uh-huh.
21 Q. Well, we don't have to find it right now
22 then.
23 Is there anything that's transmitted from the
24 TV/2 search system to the RIMS system other than the
25 orders list?

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1 A. No.
2 Q. Okay. The third thing you mentioned that
3 Fisher did with respect to that interface is developing
4 the RIMS side of the interface; is that right?
5 A. Yes.
6 Q. What did Fisher do to develop the RIMS side
7 of the interface with TV/2?
8 A. It created the programs to accept, send and
9 receive data, and then once the data was sent or
10 received they'd develop programs to deal with that data
11 to create requisitioning data from it.
12 Q. Was there anything extraordinary or unusual
13 about the programming done to develop the RIMS side of
14 the interface as you just described it?
15 MS. ALBERT: Object to the form. Vague and
16 ambiguous as to extraordinary.
17 A. It was programming that was done that would
18 be understood by anyone skilled in the art of CICS
19 programming.
20 BY MR. McDONALD:
21 Q. With respect to the testing of the interface,
22 that was more or less once you had developed the
23 specification, developed the RIMS side of the
24 interface, and, I assume, IBM did the TV/2 side of the
25 interface then, right?

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1   A. Probably.
2   Q. How would it be different, or why would it be
3 different?
4   A. It would probably contain more data.
5   Q. At the host or --
6   A. At the host level.
7   Q. Okay. So both the local database and the
8 host database should have some version of the Part
9 Master Table in the RIMS system?
10   A. Yes.
11   Q. All right. So going back to Figure 1 of the
12 RIMS system at page 805, last three digits, 805, a Part
13 Master Table would be located at local database 50 and
14 another version of the Part Master data, Part Master
15 Table would be located at host database 20, correct?
16   A. Yes.
17   Q. Now, in the -- if we go now back to one of
18 your patents, 683 patent, Figure 1A, does the system
19 shown in Figure 1A with RIMS, does that have a local
20 database, something that corresponds to what was
21 numbered 50 in the RIMS 989 patent?
22   A. Yes.
23   Q. Where is that in Figure 1A?
24   A. I think it would be a combination of 42A,
25 42B, 42C, as well as 44C, 44E, 44D.

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1   Q. Okay. And then the host database that's
2 numbered 20 in the 989, would that correspond to host
3 databases 11 in Figure 1A?
4   A. Yes.
5   Q. In your system as shown in Figure 1A, would
6 there be a Part Master Table anywhere?
7   MS. ALBERT: Object to the form. Vague and
8 ambiguous.
9   A. I think there would be.
10 BY MR. McDONALD:
11   Q. Where would it be located if we use Figure 1A
12 as a reference?
13   A. It would be located in both places just like
14 the RIMS patent would indicate the Part Master at the
15 host level and the local level.
16   Q. So it would be located up at host databases
17 11, that'd be one of the spots?
18   A. Yes.
19   Q. Of those local database locations that you
20 listed there in the 44s and the 42s, do you know which
21 of those boxes, if any, the Part Master Table would be
22 located locally?
23   MS. ALBERT: Object to the form. Vague and
24 ambiguous.
25   A. It may be included in requisition databases.

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1 BY MR. McDONALD:
2   Q. 42A?
3   A. 42A. Maybe 42B inventory databases, if a Part
4 Master of it implied some control of inventory.
5   Q. So it could be in either of 42A or 42B, most
6 likely?
7   MS. ALBERT: Mr. Kinross, I caution you not
8 to speculate.
9   A. Okay. I don't know where it would be
10 represented on this document without trying to find a
11 writeup in 683 about what 42B represents.
12 BY MR. McDONALD:
13   Q. Is there still a purpose to having a Part
14 Master Table in the system described in your patents?
15   A. There would be a purpose to have it. The
16 RIMS system would not eliminate functionality from --
17 from -- it would add functionality. So in that regard,
18 it would have it.
19   Q. Okay. So it's going to be the Part Master
20 Table is going to be listed in host databases 11 and
21 then one of the boxes that corresponds to the local
22 database, something in the 42s or 44s, but you're not
23 sure which?
24   A. Correct.
25   MS. ALBERT: Objection. Calls for

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1 speculation.
2   MR. McDONALD: You got that answer?
3   THE COURT REPORTER: Yes.
4 BY MR. McDONALD:
5   Q. The Part Master list would be an organized
6 collection of information about items, correct?
7   MS. ALBERT: Objection. Calls for
8 speculation. Calls for legal conclusion.
9   A. And where are you pulling that out of?
10 BY MR. McDONALD:
11   Q. I'm just asking you, given the ordinary
12 meaning of those terms?
13   A. What a Part Master list --
14   Q. Yeah. We went over it before in that table,
15 things like item description and price, stock number
16 and so on from that Table VI, remember that part in the
17 989 patent, the Part Master Table at columns 38 and 39?
18   A. This is in which?
19   Q. The 989 patent, I'm sorry. I led you astray
20 here.
21   A. All right.
22   Q. It's pretty close to the back. It's the page
23 lower, left -- I mean, lower, right corner, 835 to 836
24 are the last three digits. We've got that Table VI
25 which continues to the second page there that --

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